

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

MIAMI VALLEY HOSPITAL,

Plaintiff, : Case No. 3:05-cv-336

-vs- : District Judge Thomas M. Rose
COMMUNITY INSURANCE COMPANY, et al., Chief Magistrate Judge Michael R. Merz

Defendants.

**ORDER ADOPTING REPORT AND RECOMMENDATIONS ON MOTION TO
DISMISS CROSS-CLAIMS**

The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. #30), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired on April 14, 2006, hereby ADOPTS said Report and Recommendations.

It is therefore ORDERED that the Cross-claims of Defendants Carol A. and Manford Sizemore be dismissed for failure to state a claim upon which relief can be granted.

April 20, 2006.

s/Thomas M. Rose

Thomas M. Rose
United States District Judge